

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Cornelia Calderone, Chair, Joseph Sieber,
Vice Chairman, and Frank Serico, Member

From: Gerald Yarbrough, Executive Secretary
Board of Review

Subject: Minutes of the January 25, 2006
Board of Review Meeting

Date: January 30, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO
CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, January 25, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, February 1, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair
Mr. Sieber, Vice Chair
Mr. Serico, Member
Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Serico and seconded by Mr. Sieber, the minutes of the January 18, 2006 meeting were approved.

3. Old Business

(a) 42, 062

Mr. Sieber held a hearing that involved a claimant who was held ineligible for benefits by the Appeal Tribunal under N.J.S.A. 43:21-4(g)(1) from June 27, 2004 through the commencement of the 2004-2005 school year and from June 27, 2004 through August 21, 2004 under N.J.S.A. 43:21-4(c). The claimant admitted that he did not look for work during the period of June 27, 2004 through August 21, 2004. He began attending law school thereafter. The claimant did not have reasonable assurance of reemployment. As a result, Mr. Sieber decided to hold the claimant ineligible for benefits from June 27, 2004 through August 21, 2004 and

eligible for benefits for the period between school terms as well as the period he attended school. Mr. Sieber will prepare the decision.

4. New Business

(a) 84,449

Ms. Futterman presented this case that involved a request for reopening from the claimant whose appeal to the Board was dismissed as it was filed late. The Appeal Tribunal had held the claimant liable for refund, a fine and a one year disqualification for receiving benefits. The Board noted that the claimant had good cause for late filing and the record supported the decision of the Appeal Tribunal. As a result, the Board voted to reopen the matter, set aside the previous dismissal, and affirm the decision of the Appeal Tribunal. Ms. Futterman will prepare the remand.

(b) 93,234

Mr. Gitter presented this case that involved a claimant who was attending training. The Appeal Tribunal had held the claimant ineligible for additional benefits during training because the claimant did not provide "official" proof of attendance. The Board noted that the law or regulation on which the decision is based is unclear. As a result, the Board voted to remand the case for additional testimony from the Deputy regarding the basis of the decision as well as to enter pertinent documents on the record. Mr. Gitter will prepare the remand.

(c) 87,606

As presented by Mr. Gitter, this case involved a claimant who filed a late appeal to the Appeal Tribunal. The Appeal Tribunal dismissed the claimant's appeal as late without good cause. The Board noted that the record was lacking regarding the timeliness issue as well as the claimant's separation. As a result, the Board voted to remand the case for additional testimony regarding whether the claimant had good cause for late filing as well as the details of the claimant's separation. Mr. Gitter will prepare the remand.

(d) 91,397

As described by Ms. Barnwell, this case involved a claimant who filed a late appeal to the Appeal Tribunal. The Appeal Tribunal dismissed the appeal as late without good cause. The Board noted that the Appeal Tribunal did not explain the reason for dismissing the appeal as late and did not obtain complete testimony regarding the claimant's separation from two employers. As a result, the Board voted to remand the case for additional testimony as to the reason the claimant delayed filing the appeal as well as testimony regarding the claimant's separation from both employers. Ms. Barnwell will prepare the remand.

(e) 92, 744

Ms. Keller presented this case that involved a claimant who was discharged by the employer. The Appeal Tribunal had held the claimant disqualified under N.J.S.A. 43:21-5(b). After discussion, the Board voted to affirm the Appeal Tribunal.

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Mr. Serico seconded the motion.

SUBMITTED FOR APPROVAL:

Gerald Yarbrough
Executive Secretary

GY:gs